

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.S-302 of 2025

Date	Order with Signature of Judge
<i>Jalal Javed</i> <i>Petitioner</i>
	<i>Versus</i>
<i>Sana Qaiser</i> <i>Respondent</i>
Date of hearing	:19.05.2025
Date of judgment	:19.05.2025
	Mr. Manzoor Ahmed Soomro, Advocate for the Petitioner. Mr. Himmat Ali Thebo, Advocate for the Respondent. -----

JUDGEMENT

MUHAMMAD JAFFER RAZA,J; - Through instant petition, the Petitioner has Impugned judgment dated 19.02.2024 passed in Family Appeal No.50/2024. The said Family Appeal emanated from the judgment and decree dated 19.02.2024 in Family Suit No.1140/2023 passed by the learned XX-Family Judge, at Karachi South. Learned counsel for the Petitioner has impugned the concurrent findings of the Courts below. Brief facts of the case are that the Family Suit No.1140/2023 was preferred by Respondent No.1 with the following prayers: -

- “i) For dissolution of marriage on the basis of Khula.
- ii) For recovery of dowry articles, ornaments, bridal gifts or in alternative sum of Rs.500,0000/- five million only.
- iii) For past maintenance from the February 2023 at the rate of Rs.106,000/- (one lac and six thousand rupees only) until the khula is granted.
- iv) For Iddat period maintenance be passed in favour of the plaintiff at Rs.106,000/- (one lac and six thousand rupees only).
- v) It is respectfully prayed that this Hon’ble Court may direct the defendant to not harass the plaintiff and the minors.
- vi) Any other relief which this Hon’ble Court may deem fit and proper in the circumstances of this case.
- vii) Cost of the Suit.”

2. Thereafter, the learned Family Court after examining the parties decreed the above noted suit of the Respondent No.1, directing the Petitioner to pay a sum

of Rs.40,000/- per month from 07.05.2023 until completion of the Iddat period. The prayer for Rs.106,000/- per month as maintenance was declined by the learned Family Court. Thereafter, in adjudicating Issue No.2, the learned Family Court directed the amount of \$3000 to be returned to Respondent No.1. The Petitioner thereafter filed the above noted appeal, which was dismissed vide impugned judgment and decree.

2. Learned counsel for the Petitioner argued that the Respondent No.1 was a “disobedient” wife and is not entitled for any maintenance. He has further argued that the judgment and decree of the Courts below is beyond the prayer clause of the said suit and therefore, the said judgment and decree is liable to be set-aside and the matter may be remanded for decision afresh. He has lastly argued that he does not have any resources to comply with the judgment and decree of the Courts below and in that respect the amount of maintenance stipulated by the Courts below, be modified.

3. Conversely, learned counsel for the Respondent has argued that the judgments of the Court below do not suffer from any infirmity. He has further argued that the Petitioner before this Court only seeks a reduction of the maintenance and does not impugn the judgments of the Courts below in respect of other payers, which were granted to the Respondent No.1. He has further argued that no case of disobedience has been made out and the payment of US \$3000 as stipulated by the Courts below, has been admitted during cross examination, by the Petitioner, as reflected in the judgement of the learned Family Court.

4. I have heard both the learned counsels for the parties and perused the record. It is evident from the perusal of the record that the Respondent No.1 sought maintenance of Rs.160,000/- per month, however, the learned Presiding Officer, of the Family Court granted maintenance @ Rs.40,000/- from 07.05.2023 i.e. from the date of expulsion. I concur with the concurrent findings of the Courts below that the maintenance ought to be granted from the date of expulsion.

Further the deposition of the Respondent clearly reveals that she has made a categorical statement regarding the date of expulsion and no cross examination on the same was carried out by the learned counsel for the Petitioner.

5. In reference to the contention of the learned counsel for the Petitioner that he is unable to pay, suffice it to mention that the Petitioner claims to be an employee in his father's business and his argument regarding receiving a net salary of Rs.21,000/- per month is not fathomable. Therefore, I find no hesitation in upholding the judgment and decree of the Courts below in this respect. In respect of \$3000 it is evident that the same has been admitted by the Petitioner in the cross examination. Relevant part is reproduced below:-

“It is correct to suggest that 3000 US dollars were directly given to defendant's father by my father. Further says that the 3000 US Dollars were handed over to the father of the defendant was substitute to the further that my father could not give me at the time of marriage as dowry articles and the same was demanded by the defendant's father after the marriage.”

6. In the light of what has been held above, I see no infirmity in the concurrent findings of the Courts below, therefore, instant petition being devoid of any merits does not warrant any interference by this Court. The same is hereby dismissed along with listed application/s with no orders as to cost.

Judge

Nadeem